

California Architects

a publication of the california board of architectural examiners public protection through examination, licensure and regulation

IDP and Education Summit Tops Professional Qualifications Committee Agenda



Ed Oremen, FAIA

Ed Oremen, Board Vice President for 1999, chairs the Professional Qualifications Committee. Board President in 1995, Oremen has chaired the Committee since 1996. Joining him on the Committee this year are Gordon Carrier, Raymond Cheng, Kirk Miller, Laura DuCharme-Conboy, Paul Neel, R. K. Stewart, and Barry Wasserman.

The Professional Qualifications Committee

was founded in 1996 in response to the Board's strategic planning process. The Committee is charged with establishing standards for education, experience, and examinations to be met by those entering the profession. Recommendations developed by the Committee are forwarded to the Board for action.

This year, the Committee's primary assignments are to open lines of communication between the Board and the architectural education community within California, and to evaluate the need for a structured internship program in California.

Education

CBAE's primary area of responsibility regarding education is in establishing educational requirements for licensure. (California currently requires five years of accredited education or an acceptable equivalent; the most common equivalent is experience gained in the employ of a licensed architect.) CBAE's ability to influence or change architectural education has historically been limited to the Board's membership and/or active involvement in collateral organizations such as the National Council of Architectural Registration Boards (NCARB), National Architectural Accrediting Board (NAAB), and The American Institute

of Architects (AIA). The Board has concluded that ongoing, open communication between regulators and educators would be of significant benefit to both groups and to the profession in general.

As a first step in opening communications, CBAE is hosting a summit in October 1999, to discuss education, internship, and practice.

Invitees will include representatives of all accredited architecture schools in California, as well as the primary community college feeders to the five- and six-year programs. We will also invite representatives from NCARB, NAAB, AIA, American Institute of Architecture Students (AIAS), and Association of Collegiate Schools of Architecture (ACSA).

Items to be presented and discussed will include a CBAE-conducted study of the state of practice in California, information gained from several focus groups conducted by the Board, results of surveys conducted in preparation for the recently held National Summit on Internship, status reports

The Committee has the primary responsibility for ensuring the professional qualifications of those practicing architecture by setting requirements for education, experience, and examination.

IDP *continued*

from the CBAE's Task Force on Post-Licensure Competency and the Professional Qualifications Committee's study on internship, plus the results of the National Summit on Internship held in April.

The results of this upcoming summit will be reported early next year. We hope that this event will open the doors to an ongoing dialogue between CBAE and the architectural education community in California.

Internship

For several years, there have been discussions relating to the possibility of California mandating Intern Development Program (IDP) or some other structured internship program. This issue is still being considered by the Board and by the Committee.

In April 1999, a national Summit on Internship was held at Shaker Village in Pleasant Hill, Kentucky. The conference was attended by 66 people representing leaders of NCARB, AIA, ACSA, NAAB, AIAS, and a dozen interns. Also included were a delegation from Canada and a delegate from Mexico. I was privileged to attend as a representative of NCARB. During three days of intense discussion, a series of suggestions were put forth with the goal of more closely integrating education, experience, and practice. A steering committee will be put in place by the collateral organizations to develop an action plan for further study and implementation. We will keep you updated as developments are reported.

CBAE efforts to establish appropriate standards for entry into the profession of architecture must involve the balancing of the interests of public health, safety, and welfare, and the maintaining of accessibility to the profession; new requirements must be effective yet not create unreasonable barriers to aspirants. Any new requirements established for internship will have to meet this test. Other concerns will include cost to the candidate, cost to the state and simplicity.

The Committee has been charged by the Board to complete a study to verify the need for a structured internship program and to review NCARB's IDP to determine what, if any, changes in the current program might be needed to better suit the needs of California. Once this list is established, recommendations will be forwarded to NCARB for consideration. These points will undoubtedly relate to IDP administration, standards, content, and governance.

It is not yet certain that California will mandate IDP in some form, but it is a fact that, by 2001, 46 jurisdictions within NCARB will require completion of the program. If California does mandate such a program, it will be with the dual goals of increasing the competency of entry-level candidates and facilitating reciprocity for California registrants.

For other information on IDP and its success as a non-required program in California, see other articles in this issue.

Multinational Firm Embraces IDP

Perkins & Will, Pasadena Office

While many California firms can choose to participate in NCARB's IDP program, multistate firms such as Perkins & Will have little choice. If new architects don't complete the NCARB program, they cannot be licensed to practice outside California — a limitation Perkins & Will avoids by asking new architects to participate in the national IDP.

But even if it wasn't mandatory, firm principal Gaylaird Christopher would be in favor of the program. "This is one of the most important things we do as a firm," says Christopher. "In order to do better work, we need to spend time in professional development that fosters learning and growth. The NCARB IDP structure facilitates that."

"Even when an architect is particularly strong in one area, it is critical that person gets a good overview of the entire profession. That experience and the easier matriculation between regions are the main reasons I would favor mandated IDP in California."

Another benefit Christopher sees is that the NCARB IDP's broad-based approach keeps promising architects from specializing too early. "Even when an architect is particularly strong in one area, it is critical that person gets a good overview of the entire profession. That experience

Multinational *continued*

and the easier matriculation between regions are the main reasons I would favor mandated IDP in California.”

Christopher admits that large firms have a benefit when it comes to managing an IDP program. “We do have resources available that smaller firms might not,” says Christopher. “We have videoconferencing available, for example, so that our IDP staff can participate in a training program given at any of our offices.”

Because the NCARB IDP model is already administered within the firm’s offices, whether or not California adopts the program will have little impact on Perkins & Will. But Christopher feels that having a national internship will make things easier on California architects who want to move beyond state borders.

The Experience of a Mid-Sized Firm

CAS Architects, *Mountain View*

It was the advent of computerization that first convinced the principals of CAS Architects that a personal training program was needed.

“Before computers, we tended to work one-on-one,” says firm principal Ron Ronconi, “so that new architects got the benefit of that over-the-shoulder training approach. The use of electronic media disconnected people while increasing the project pace. Instead of training being a natural part of the process, we found we had to create a more structured approach.”

“The use of electronic media disconnected people while increasing the project pace. Instead of training being a natural part of the process, we found we had to create a more structured approach.”

In response to that need and the request of newly graduated architects preparing for the exam, the 45-person firm established a personal development program patterned after NCARB’s IDP model. Modified to work with the firm’s style and structure, the development program includes the NCARB plan areas. Though very much in favor of a universally required IDP program, firm principals felt some of the NCARB requirements were more stringent than necessary. At CAS, new architects establish their own yearly plan based on the model and are responsible for achieving the goals they set for themselves. The program is a part of the firm culture, so that new architects feel free to come to more senior staff for help beyond the annual review.

The program has worked well for the firm that also mandates continuing education for all staff architects. “We receive very positive feedback,” says firm principal Linda Stevenin. “Most of our staff pass the exam on the first try. And we often hear from former staff members that what we do is both unusual in the profession and very valuable.”

The firm assigns 5 percent of its annual budget to education programs. Though that’s a big commitment, it’s part of the long-term thinking that Stevenin feels has contributed to long-term client relationships. “Many of our clients know what we do and appreciate our

consistent concern and attention to improving our firm’s skills. When you view it from that broad perspective, you see that the investment pays off.”

Small Firm, Big Supporter of IDP

Cynthia Easton, *Architect*

For several years, architect Cynthia Easton has been active in professional efforts to find a solution to California’s IDP dilemma. Her concerns and reasons for supporting an IDP initiative stem from her belief in the need to balance the creative with the practical aspects of architecture. “Architects need the kind of training an internship can provide,” says Easton. “During school it’s better not to focus on the practicality, it’s too stifling — time spent gaining practical experience in an architect’s office as an intern is important.”

While she supports the need for IDP in theory, she thinks that the NCARB model needs work and that California’s resistance may be instrumental in helping to correct issues. “There are basic problems with the NCARB model that California is not willing to take on,” says Easton. “As a powerful state, we could work to improve the system before we accept it.”

The biggest complaint she is aware of is that new architects have a hard time getting the type of responsibility they need to move through the entire process, and this can occur in both a large or small

continued page 4

Small Firm *continued*

firm. Candidates are sometimes forced to change firms to get the necessary experience. "There is a movement on to allow candidates to self educate through seminars and other training instead of working for an architect on every task," says Easton. "I think that's a fine alternative."

As a small firm with two licensed architects and one draftsman, Easton does not operate a standard IDP program. She is, however, currently helping an IDP candidate

"There are basic problems with the NCARB model that California is not willing to take on. As a powerful state, we could work to improve the system before we accept it."

from another state by meeting quarterly to ensure he is moving through the process. Beyond that, she has always maintained an informal apprenticeship program in her firm by working directly with employees and exposing them to all aspects of the practice. "Even if an employee does not stay with you forever," says Easton, "good training benefits the entire profession."

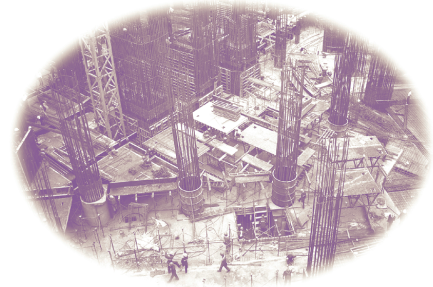
Duty to Warn Reminder

A recent inquiry from an architect

asking about her responsibility to report an unsafe condition on a job site prompted this article to remind architects of their liability in similar situations. In 1985, the California Attorney General's office concluded in 68 Ops.Cal.Atty.Gen 250 (1985) that:

"A registered engineer retained to investigate the integrity of a building who determines, based on structural deficiencies in violation of applicable building standards, that there is an imminent risk of serious injury to the occupants thereof, and who is advised by the owner that no disclosure or remedial action is intended and that such determinations are to remain confidential, has a duty to warn the identifiable occupants, or if not feasible, to notify the local building officials or other appropriate authority of such determinations."

The opinion found that the duty to warn was based on civil tort liability, primarily in the case of Tarasoff v. The Regents of the University of California (1976) 17 Cal.3d 425. In that case, the California Supreme Court held that a psychotherapist was liable for wrongful death where he had failed to warn a target of his patient's intention to commit murder. The Attorney General's opinion stated that "[n]either the psychotherapist nor the registered engineer in the situation here considered created the peril. Nevertheless, a duty to warn those endangered by the conduct of



another arises where the actor stands in some special relationship to the dangerous person or to his foreseeable victim." Thus, the Attorney General's office found a special relationship to exist between the engineer and the owner/client, requiring the engineer to warn of foreseeable peril.

Although the Attorney General's opinion was directed at registered engineers, a special relationship would also be found to exist between an architect and the owner/client requiring the architect to warn of foreseeable peril created by the owner/client. Thus, an architect's failure to warn identifiable victims of foreseeable peril where the owner/client has stated that he or she will not make any disclosure to the endangered persons or take remedial actions could subject the architect to civil liability.

The Board could also take disciplinary action, based on negligence, against an architect who fails to provide a Tarasoff warning. The Board would rely on the use of expert testimony to establish that the architect's conduct was a "departure from the standard practice of architecture." This is the usual approach taken when there are allegations of inadequate design, supervision, etc.



Building Code Tools Available to Architects

by John Canestro

The International Conference of Building Officials (ICBO) and the California Building Officials (CALBO) offer a number of valuable tools for architects. Accessing building code information has never been easier or less cumbersome, as electronic media brings the information right to the desktop.

Visit the ICBO website at **www.icbo.org** to research just about anything related to building codes—from articles to bulletin boards, seminar and training information to job listings. If you have a question related to code issues, this impressive website is the first place to check. Also, check the CALBO website at **www.calbo.org**. The CALBO site also offers good information on code

questions, training, updates on issues affecting code adoption, and much more. CALBO can also be reached by phone at (916) 457-1103.

In addition, the ICBO offers a CD-ROM that compresses the entire set of codes, including uniform codes for building, fire, mechanical, and plumbing into a single CD. The CD-ROM is completely searchable through key words and phrases and allows you to add layers of notes, underlining, circling, and other helpful reminders. To try out the CD-ROM, you can request a fully functional demo CD, direct from ICBO's website or by phone at (800) 284-4406. The disk also features the ICBO catalog, which can also be accessed online or in a paper copy from the Web or by phone.

IBC Issues

There continues to be a great deal of activity and some controversy surrounding the adoption of the International Building Code. In California, a consortium is participating in the review process and will bring it before the Building Standards Commission within the next few months. While no one is perfectly content with the code as it stands, most view it as a starting point that will lead to an acceptable, standardized code. In September of 1999, all code groups will convene in a hallmark meeting in St. Louis to further the code adoption process. For more information, visit the Web at **www.intlcode.org**.



Website Update www.cbae.cahwnet.gov

By popular demand, we've recently added a new feature to our website. We now provide a complete, searchable list of all licensed architects in the state of California. You can access current licensee information using the name, address, or license number. When you perform a search, the return response will provide the licensee's name, address, license number, and expiration date. You can also receive an alphabetized list of licensees in a given city just by entering the city name. We'll update the list each month.

If it's been a while since you've visited, please stop by at **www.cbae.cahwnet.gov**. There's a wealth of valuable information that we update regularly. We also welcome your ideas, comments, and suggestions on how we can improve the site.

Clarification: Essential Services Buildings

The last issue of this newsletter included an article on the requirements for architects under the Essential Services Buildings Seismic Safety Act of 1986 (Health & Safety Code sections 16000 – 16022). The article generated many questions on the responsibilities of the architect in the process.

Health & Safety Code section 16000

is known and cited as the Essential Services Buildings Seismic Safety Act of 1986. Section 16007 contains the following definition:

“Essential services building means any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff’s office, or emergency communication dispatch center.”

Note that hospitals and schools are not included in the definition and are not included in the provisions of the act. Separate acts, rules, and regulations govern these facility types. Hospitals are covered by the Hospital Seismic Safety Act (Health & Safety Code 127010 et seq. and Title 24). Schools are covered under the Field Act (Education Code sections 39152 and 81142, Health and Safety Code section 16022, and Title 24). The Office of Statewide Health Planning and Development (OSHPD) regulates hospital construction and operates under an office policy that speaks to the use of design/build as a project delivery method. Reference the OSHPD website at www.oshpd.cahwnet.gov and look under Facilities Development Division for their Policy Intent Notices (PINs), specifically “PIN 18 – Design/Build Project Delivery Method.”

The architect’s responsibilities under the Essential Services Buildings Seismic Safety Act of 1986 are as follows:

- All drawings and specifications for the essential services building are required to be prepared under the responsible charge of, and signed by, an architect, civil or structural engineer (Health & Safety Code section 16015).

- The observation of the work of construction is required to be under the responsible charge of the same architect, civil or structural engineer when feasible, as determined by the enforcement agency (Health & Safety Code section 16015).

- The architect, civil or structural engineer performing the work described above cannot be a contracting party or have any employment relationship with an entity that is a contracting party for the construction of the essential services building (Title 24, Part 1, Chapter 4, section 4-208).



It should be noted that there are differences in the administration of essential services buildings constructed by state and local governments. Title 24, Part 1, Chapter 4 contain the administrative requirements that must be followed. Article 1 applies to both state and local essential services buildings, Article 2

applies only to state buildings, and Article 3 applies only to local buildings.

Questions relating to regulations for these buildings should be directed to the appropriate jurisdictional authority. For state buildings, this is the Division of the State Architect; for local government buildings, this is the local government body responsible for the facility.



Enforcement Actions

The CBAE is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by the Board against its licensees and unlicensed persons who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board.

Administrative Action

DARRELL JAMES JACKSON (Yreka)

Effective May 18, 1999, Darrell James Jackson's architect license #C-11555 was revoked. The revocation came after a stipulated settlement was negotiated and adopted in what the Board considers it an extreme case of negligence associated with life-safety issues.

Jackson admitted in a Board-adopted settlement that, as the architect in general responsible charge at the Dorris Elementary School construction project, he had been negligent by failing to perform the duties required of an architect in general responsible charge, and that the manner in which the school was constructed required that it be condemned and demolished.

Jackson was hired by the Butte Valley Unified School District in Siskiyou County to serve as the architect in charge of building a new elementary school in Dorris. The Board had alleged that due to Jackson's negligence, the performance of the inspector, various consultants, and contractors was allowed to fall below acceptable standards in a number of areas. Specifically, the Board alleged 180 individual and separate instances of errors, omissions, and

violations of law had been committed in the school's construction.

As a result of the numerous building code violations, the school failed to meet the Division of State Architect's structural, seismic, fire and life safety code requirements. Dorris Elementary School was condemned, demolished, and rebuilt at a cost of \$4 million. Approximately 250 students who attended the school from December 1991 to August 1993 were displaced.

Admissions by Jackson that his conduct constituted negligence within the meaning of Business and Professions Code section 5584 and agreement to reimburse the Board \$15,000 for costs related to investigation, expert evaluation, and prosecution of the case were also terms of the stipulated settlement.

Citations

THOMAS B. GERFEN (San Francisco)

The Board issued an administrative citation that included a \$2,000 civil penalty to Thomas B. Gerfen, architect license #C-9975, for violations of Business and Professions Code sections 5536(a) and (b) (Practice Without a License or Holding Self Out as Architect)

and California Code of Regulations section 104 (Filing of Addresses). Mr. Gerfen unlawfully prepared plans and affixed a stamp to plans which indicated to the public that he was licensed by the State of California as an architect while his license was expired. The Board's investigation revealed that after Mr. Gerfen's license expired, he: 1) supervised the preparation of and affixed his architect stamp on design plans for 27 non-exempt projects in California; 2) affixed his architect stamp on interior design improvements for an office park; and 3) failed to notify the Board of a change of address. Mr. Gerfen paid the civil penalty, satisfying the citation.

KURT HERELD (Fremont)

The Board issued an administrative citation to Kurt Hereld, architect license number #C-15493, for violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. Hereld commenced and completed work on a residence without having executed a written contract for professional services. The citation has been satisfactorily resolved.

DUNCAN THOMAS TODD (Monterey)

The Board issued an administrative citation that included a \$500 civil penalty to Duncan Thomas Todd, architect license #C-24878, for a violation of Business and Professions Code section 5536(a) (Practice Without a License or Holding Self Out as Architect). The action was taken based on evidence that Mr. Todd submitted resumes to the public soliciting architectural services prior to being issued his architect license. The resumes indicated that he was an architect and that he was qualified to engage in the practice of architecture. Mr. Todd paid the civil penalty, satisfying the citation.



California Board of Architectural Examiners
400 R Street, Suite 4000
Sacramento, CA 95814-6238

Board Members

John C. Canestro, Public Member
Gordon Carrier, Architect Member
Albert C. Chang, Public Member
Raymond Cheng, Architect Member
Christine Lampert, Architect Member
Stephen P. Sands, Executive Officer

L. Kirk Miller, Architect Member
Lynn Morris, Public Member
Edward L. Dremen, Architect Member
Marc Sandstrom, Public Member
Frank Williams, Public Member

Bulk Rate
U.S. Postage
PAID
Sacramento, CA
Permit No. 685

Inside This Issue

IDP and Education Summit	1
Multinational Firm Embraces IDP	2
Experience of a Mid-Sized Firm	3
Small Firm, Big Supporter of IDP	3
Duty to Warn	4
Building Code Tools Available	5
CBAE Website Update	5
Clairification: Essential Services	6
Enforcement Actions	7
Exam Schedule	8

S U M M E R 1 9 9 9

California Supplemental Examination Schedule

To be eligible for the California Supplemental Examination, a candidate must have successfully completed all portions of the written examination and have verified at least seven years and six months of education and/or work experience, one year of which must have been under the direct supervision of a United States licensed architect. Only those candidates the CBAE determines to be eligible for the supplemental examination will be sent an application package and scheduled for an examination.

The California Supplemental Examination is typically administered six times a year—three times in Northern California and three times in Southern California. At present, the following dates are scheduled at the indicated locations:

Examination Dates	Location	Final Filing Date
September 13 & 14, 1999	Irvine, California	July 30, 1999
November 15 & 16, 1999	Northern California	October 1, 1999

Dates and locations are subject to change. All applications and fees must be postmarked by the final filing date.

TO GET IN TOUCH WITH US

California Board of Architectural Examiners 400 "R" Street, Suite 4000 • Sacramento, CA 95814
(916) 445-3393 • Fax: (916) 445-8524 • Email: cbae@dca.ca.gov • www.cbae.cahwnet.gov